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**PATENT APPLICATION**

#6  
K00015  
1-11-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

In re the Application of

Tetsuya OUCHI

Group Art Unit: 2626 DEC 30 2003

Application No.: 09/414,029

Examiner: S. Rogers **TC 2600**

Filed: October 7, 1999

Docket No.: 038350.99

For: FACSIMILE MACHINE WITH A MAILBOX FUNCTION

**REQUEST FOR RECONSIDERATION**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DEC 30 2003

Technology Center 2600

Sir:

Further to the December 18 personal interview with Examiner Rogers, and in reply to the October 7, 2003, Office Action for this application, reconsideration is respectfully requested in view of the following remarks. Claims 1-22 are pending.

Applicants acknowledge and thank the Examiner for indicating that claims 1-13 are allowed. However, for reasons as discussed below, Applicant asserts that all the claims 1-22 are allowable.

The courtesies extended to Applicant's representative by Examiner Rogers at the interview held December 18, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute the record of the interview.

The Office Action rejects claims 14, 15, 17, 18, 20 and 21 under 35 U.S.C. §102(b) as being anticipated by Melrose (U.S. Patent No. 5,062,133); and rejects claims 16, 19 and 22

under 35 U.S.C. §103(a) over Melrose and further in view of well known prior art. The rejections are respectfully traversed.

In particular, Melrose does not disclose or suggest a communication device where a reception process means performs reception of incoming call, regardless of whether the communication device is in the reception impossible condition, when the communication device is in a specific mode, as recited in independent claim 14, and similarly recited in independent claims 17 and 20.

The Office Action argues that Melrose on col. 10, lines 17-37 discloses this feature. On the contrary, this passage discloses that if the automatic modem/fax test has been activated, a processor activates a modem to transmit a mark tone corresponding to the highest speed of one of the communication devices. The processor then waits and listens for training signals from the incoming fax or modem call. If no training signal is received, the processor assumes that the call is a voice call and connects the call to an answering machine (see also, col. 5, lines 35-46).

At no instances, is the processor in an impossible mode. Rather, the processor's operating mode depends on whether the training signal is received or not. Therefore, Melrose fails to disclose or suggest that the reception process means performs reception of the incoming call, regardless of whether the communication device is in the reception impossible condition, when the communication device is in a specific mode.

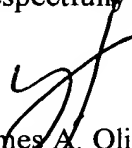
Accordingly, independent claims 14, 17 and 20 define patentable subject matter.

Claims 15, 16, 18, 19, 21 and 22 depend from the respective independent claims, and therefore also define patentable subject matter. Accordingly, withdrawal of the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing amendments and remarks, this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

  
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JAO:YSC/jth

Date: December 23, 2003

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